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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/581,065	05/30/2006	Peter Steiger	713-1241 (1-4496)	6867
33712 7590 12/29/2009 LOWE, HAUPTMAN, HAM & BERNER, LLP (ITW) 1700 DIAGONAL ROAD SUITE 300 ALEXANDRIA, VA 22314				
EXAMINER TADESSE, YEWEBDAR T				
ART UNIT		PAPER NUMBER		
1792				
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12/29/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/581,065

Applicant(s)

STEIGER, PETER

Examiner

YEWEBDAR T. TADESSE

Art Unit

1792

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 August 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) 2 and 14-21 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/GS/US)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1, 3-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, lines 14-15; the phrase "the power takeoff element "lacks proper antecedent basis. For the purpose of examination, the phrase "the at least one rotatable power takeoff element" is assumed.

In claim 3, lines 2 and 4; the phrase "the power takeoff element "lacks proper antecedent basis. For the purpose of examination, the phrase "the at least one rotatable power takeoff element" is assumed.

In claim 8, lines 2-3; the phrase "said power takeoff element "lacks proper antecedent basis. For the purpose of examination, the phrase "the at least one rotatable power takeoff element" is assumed.

In claim 11, lines 3-4; the phrase "the at least power takeoff element "lacks proper antecedent basis. For the purpose of examination, the phrase "the at least one rotatable power takeoff element" is assumed.

In claim 12, line 2; the phrase "the at least one power takeoff element "lacks proper antecedent basis. For the purpose of examination, the phrase "the at least one rotatable power takeoff element" is assumed.

In claim 13, line 3; the phrase "the at least one power takeoff element" lacks proper antecedent basis. For the purpose of examination, the phrase "the at least one rotatable power takeoff element" is assumed.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 3-8 and 10-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Ziwick et al (US 6,972,053).

As to claims 1 and 5, Ziwick et al discloses (see Figs 2-4) a spray coating apparatus to spray coat a circular object while the object is being carried by a conveyor comprising a support comprising at least one rotatable powder takeoff element (25.1, 25.2, 41) arranged to transmit a rotary force about an axis of rotation by a predetermined angle of rotation; and at least one driver arranged to provide the rotary force to the at least one power takeoff element (see column 6, lines 4-5); a spray holder (22.3) comprising a rear holder end (60) engageably connectable to the at least one rotatable power takeoff element to receive the rotary force from the at least one rotatable power takeoff element, wherein the rear holder end is aligned with the axis of rotation; and at least one front holder (31) extending from the rear holder end toward the circular object having first and second front holder ends arranged diametrically opposite

to each other by substantially 180° relative to the axis of rotation and being radially offset relative to the axis of rotation (see Fig 4) and at least one spray device (32) connectable to the at least one from holder and being arranged parallel or obliquely to (see for the angle α being between 0 and 90°) and at a distance from the axis of rotation so as to spray coat the circular object arcuately about the axis of rotation and spray the coating material axially along or obliquely to the axis of rotation.

With respect to claim 3, in Ziwick et al the axis of rotation of the at least one rotatable power takeoff element is configured substantially horizontally and the at least one spray device (32) is configured farther to the front than the at least one rotatable power takeoff element.

As to claims 4, 6-7, in Ziwick et al the predetermined angle of rotation is 360° or less than 360° and the theoretical plane subtending an angle between 0° and 30° (see for the angle α being between 0 and 90°).

Regarding claim 8, in Ziwick et al the support comprises at least two of the at least one rotatable power takeoff element (25.1, 25.2) of which axes of rotation are configured horizontally parallel to each other and vertically aligned with each other.

As to claim 10, in Ziwick et al the support is a carriage or slide (27) displaceable synchronously with parallel to the objects, horizontally and transversely to the axis of rotation

Regarding claims 11-12, in Ziwick et al the at least one rotatable power takeoff element is configured to position the at least one spray device (22) at different distances from the at least one rotatable power takeoff element (25.1, 25.2, 41) and the at least

one power takeoff element is axially displaceable into various position along the axis of rotation relative to the support.

With respect to claim 13, Ehinger et al discloses a conveyor (6) transversely to the axis of rotation of the at least one power takeoff element (25.1, 25.2, 41).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

7. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ziwick et al (US 6,972,053) in view of Lehmann (US 3,606,162)

8. In Ziwick et al the support carriage or slide is capable of being displaced automatically. However, Ziwick et al lacks teaching a support automatically displaced as a function of the signals from a control unit. Lehmann teaches a support or carriage

automatically displaced using a function of signals from the control unit (see program control device 9 in communication with a carriage 6). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include automatic control unit in Ziwick to automatically perform all the required coating steps on workpieces of a complicated shape as taught by Lehmann (see column 1, lines 28-32).

Response to Arguments

9. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to YEWEBDAR T. TADESSE whose telephone number is (571)272-1238. The examiner can normally be reached on Monday-Friday 8:00 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nadine Norton can be reached on (571) 272-1465. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Yewebdar T Tadesse/
Primary Examiner, Art Unit 1792
11.